

REMARKS

In response to the Final Office action dated April 1, 2009, Applicants respectfully request reconsideration based on at least the following remarks. Applicants respectfully submit that the claims as presented herein are in condition for allowance.

The Examiner has stated that claims 13-16 are in condition for allowance. Applicants are grateful for indication of the same. Claims 1-4 and 10 have been cancelled, while claims 5-9, 11, 12 and 17-30 have been previously withdrawn from further consideration, leaving only claims 13-16 pending for further consideration in the present application upon entry of the present amendments. No new matter has been added by the amendments.

Telephonic Interview Summary

Applicants thank the Examiner for her time in conducting several telephonic interviews with Applicants' attorney, John W. Stankiewicz, on May 18, 2009 and May 26, 2009. During the interview, the prior art was discussed as well as proposed claim amendments to independent claim 1. No agreement was reached regarding the amendments to independent claim 1.

During the telephonic interview, the Examiner indicated that claims 13-16 were in condition for allowance, and that an amendment canceling claims 1-4 and 10 would result in a notice of allowance. Applicants have amended the claims accordingly.

Claim Rejections Under 35 U.S.C. § 103

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re*

Appl. No. 10/805,961
Response dated: July 1, 2009
Reply to Final Office Action of April 1, 2009

Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1 and 2

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Colgan, et al. (U.S. Patent No. 6,529,189 B1, hereinafter “Colgan”). Applicants respectfully note that claims 1 and 2 have been cancelled, rendering any rejections thereto moot.

Claims 3, 4 and 10

Claims 3, 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over May (.S Patent No. 4,454,417, hereinafter “May”) in view of Colgan and in further view of Traub (U.S. Patent No. 3,911,270, hereinafter “Traub”). Applicants respectfully note that claims 3, 4 and 10 have been cancelled, rendering any rejections thereto moot.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants respectfully submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /John W. Stankiewicz/
James J. Merrick
Registration No. 43,801
John W. Stankiewicz
Registration No. 60,169
Confirmation No. 2751
Cantor Colburn LLP
20 Church Street 22nd Floor
Hartford, CT 06103
Telephone (860) 286-2929
Customer No. 23413

Date: July 1, 2009